

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: April 5, 2004

Signature:

*John S. Curran*  
(John S. Curran)

Docket No.: SMQ-011  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Gary D. Foster

Application No.: 09/270141

Art Unit: 2124

Filed: March 16, 1999

Examiner: T. Ingberg

For: A SYSTEM AND METHOD FOR THE  
GLOBAL DISTRIBUTION OF DATA

RECEIVED  
CENTRAL FAX CENTER

APR 07 2004

OFFICIAL

**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

MS Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

In response to the Office Action dated January 5, 2004 (Paper No. 9), please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper. Claims 1, 9, 10, 14, 17, 20, 38 and 43 have been amended. Claims 3-4, 18, and 45-52 have been cancelled. Claims 53-58 have been added. No new matter has been added.

Remarks/Arguments begin on page 10 of this paper.

FAX TRANSMISSION	
RECEIVED CENTRAL FAX CENTER APR 07 2004 OFFICIAL	
DATE:	April 7, 2004
PTO IDENTIFIER:	Application Number 09/270141-Conf #2096 Patent Number
Inventor:	Gary D. FOSTER
MESSAGE TO:	US Patent and Trademark Office
FAX NUMBER:	(703) 872-9306
FROM:	LAHIVE & COCKFIELD, LLP John S. Curran
PHONE:	(617) 227-7400
Attorney Dkt. #:	SMQ-011
PAGES (Including Cover Sheet):	20
CONTENTS:	<p>Signed copies of Response Paperwork accidentally filed without signatures on 4/5/04. Applicant has spoken with the Examiner regarding this re-submission.</p> <p>Amendment Transmittal (1 page), Amendment (13 pages); Courtesy Copy of Form 1449 from Supp IDS (1 page); and Certificate of Transmission under 37 CFR 1.8 (1 page). Previous Fax cover page, local confirmation and USPTO confirmation (3 pages)</p>
<p>If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (617) 227-7400 and send the original transmission to us by return mail at the address below.</p> <p>This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.</p> <p>LAHIVE &amp; COCKFIELD, LLP 28 State Street, Boston, Massachusetts 02109 Telephone: (617) 227-7400 Facsimile: (617) 742-4214</p>	

Copy of  
paper 10  
with  
signature  
Original  
missing  
signature  
TF  
5/1/04

# Auto-Reply Facsimile Transmission



TO:

Fax Sender at 6177424214

Fax Information

Date Received:

4/5/2004 6:59:13 PM [Eastern Daylight Time]

Total Pages:

17 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page

=====>

APR-07-04 13:55 From-LAHIVE & COCKFIELD, LLP 6177424214 T-301 P.02/20 F-662	
<b>FAX TRANSMISSION</b>	
DATE:	April 5, 2004
PTO IDENTIFIER:	Application Number 08/074174-Cont. 00000 Patent Number
INVENTOR:	GARY D. FOSTER
MESSAGE TO:	US Patent and Trademark Office
FAX NUMBER:	(705) 677-7400
FROM:	LAHIVE & COCKFIELD, LLP John S. Custer PHONE (517) 227-7400 Attorney Ch. e. SMC-011
PAGES (including Cover Sheet):	17
CONTENTS:	Advertisement Transmittal (1 p-ge) Amendment (113 pages) Country Copy of Form 100 (200 pages) (1 page) Certificate of Transmission under 37 CFR 1.8 (4 pages)
<p>If your receipt of this transmission is in error, please notify this firm immediately by collect call to number at (617) 227-7400 and send the original transmission to us by return mail at the address below.</p> <p>This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by you, your firm or other third party without express or implied authorization is strictly prohibited.</p> <p>LAHIVE &amp; COCKFIELD, LLP 20 State Street, Boston, Massachusetts 02109 Telephone: (617) 227-7400 Facsimile: (617) 742-4214</p>	
PAGE 2/20 * RCVD AT 4/5/2004 6:59:13 PM [Eastern Daylight Time] * SVR:USPTO-EFXXF 1/1 * DNIS:8729306 * CSID:6177424214 * DURATION (mm-ss):06-14	

## Confirmation Report-Memory Send

Time : Apr-05-04 18:06  
Tel line 1 : 6177424214  
Tel line 2 : 6177424214  
Name : LAHIVE & COCKFIELD, LLP

Job number : 580  
Date : Apr-05 18:00  
To : 2#335#17038729306  
Document Pages : 17  
Start time : Apr-05 18:00  
End time : Apr-05 18:06  
Pages sent : 17  
Job number : 580

\*\*\* SEND SUCCESSFUL \*\*\*

FAX TRANSMISSION	
DATE:	April 5, 2004
PTO IDENTIFIER:	Application Number 09/270161-Conf #2006 Patent Number
Inventor:	Gary D FOSTER
MESSAGE TO:	US Patent and Trademark Office
FAX NUMBER:	(703) 875-0806
FROM:	LAHIVE & COCKFIELD, LLP John S. Cuffran
PHONE:	(617) 227-7400
Attorney Ref. #:	SMQ-011
PAGES (including Cover Sheet):	17
CONTENTS:	Amendment Transmittal (1 page), Amendments (13 pages), Cover Sheet, Copy of Form 1449 from Supp IDS (1 page), and Certificate of Transmission under 37 CFR 1.8 (1 page).
<p>If your receipt of this transmission is in error, please notify this firm immediately by e-mail call to sender at (617) 227-7400 and send the original transmission to us by return mail at the address below.</p> <p>This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.</p> <p>LAHIVE &amp; COCKFIELD, LLP 28 State Street, Boston, Massachusetts 02109 Telephone: (617) 227-7400 Facsimile: (617) 742-4214</p>	

**FAX TRANSMISSION****DATE:** April 5, 2004**PTO IDENTIFIER:** Application Number 09/270141-Conf. #2096  
Patent Number**Inventor:** Gary D. FOSTER**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (708) 872-9806**FROM:** LAHIVE & COCKFIELD, LLP

John S. Curran

**PHONE:** (617) 227-7400**Attorney Dkt. #:** SMQ-011**PAGES (Including Cover Sheet):** 17**CONTENTS:** Amendment Transmittal (1 page);  
Amendment (13 pages);  
Courtesy Copy of Form 1449 from Supp IDS (1 page); and  
Certificate of Transmission under 37 CFR 1.8 (1 page).

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (617) 227-7400 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

**LAHIVE & COCKFIELD, LLP**  
28 State Street, Boston, Massachusetts 02109  
Telephone: (617) 227-7400 Facsimile: (617) 742-4214

PTO/SB/97 (12-97)

Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## Certificate of Transmission Under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

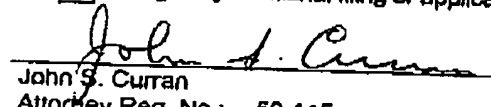
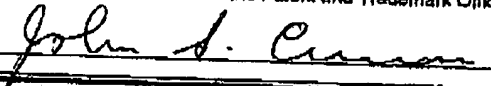
on April 5, 2004  
Date

John S. Curran  
Signature

John S. Curran  
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Amendment Transmittal (1 page);  
Amendment (13 pages);  
Courtesy Copy of Form 1449 from Supp IDS (1 page); and  
Certificate of Transmission under 37 CFR 1.8 (1 page).

AMENDMENT TRANSMITTAL LETTER				Docket No. SMQ-011	
Application No. 09/270141-Conf. #2096		Filing Date March 16, 1999		Examiner T. D. Ingberg	
Applicant(s): Gary D. FOSTER				Art Unit 2124	
Invention: A SYSTEM AND METHOD FOR THE GLOBAL DISTRIBUTION OF DATA (AS AMENDED)					
<b>TO THE COMMISSIONER FOR PATENTS</b>					
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
<b>CLAIMS AS AMENDED</b>					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	34	- 52 =		x	0.00
Independent Claims	9	- 16 =		x	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					0.00
<input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity					
<input checked="" type="checkbox"/> No additional fee is required for this amendment.					
<input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of \$ _____ A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>12-0080</u> as described below. A duplicate copy of this sheet is enclosed					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
 John S. Curran Attorney Reg. No.: 50,445				Dated: <u>April 5, 2004</u>	
LAHIVE & COCKFIELD, LLP 28 State Street Boston, Massachusetts 02109 (617) 227-7400					
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.					
Dated April 5, 2004		Signature:  (John S. Curran)			